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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,322	05/15/2001	Manoel Tenorio	020431.0839	3081
53184	7590	10/19/2005	EXAMINER	
i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234			NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/858,322	TENORIO, MANOEL	
	Examiner	Art Unit	
	CUONG H. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,27-36,41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,27-36,41 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

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Status of the claims

1. Claims 1-10, 27-36, 41, and 43 are pending with the Response (5/27/2005).

Response

2. The 35 USC 102(e) rejections on claims 1, and 27 (Office Action mailed on 2/28/2005) are withdrawn. The examiner respectfully submits that because claim 1 is directed to a system, it should comprise components, modules, or devices that make-up that system. Rajaraman et al. also suggest a system having claimed components; therefore, this reference obviously meet claimed structural configuration. An arguable (core) limitation of the invention's subject matter is using a pointer to accessing a seller's database; this was already known (see Barry et al., US Pat. 6,615,258 – claims 25, or 57; or Tenorio et al., US Pat. 6,708,161 – col.6 lines 8-25, 57-64, or col.9 lines 35-42; please note that Tenorio is also an inventor of this pending application; therefore, he already had knowledge about claimed limitations on 9/26/2000). The applicant's arguments are essentially about limitations of independent 1. In this Office Action, the examiner adds a primary reference of Tenorio et al. (US Pat. 6,708,161) for obviousness rejections.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 27, 41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tenorio et al. (US Pat. 6,708,161), in view of Rajaraman et al. (US Pat. 6,366,910) .**

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A. As per independent claims 1, and 41: Tenório et al., and Rajaraman et al. teach a system using for electronic commerce transactions, comprising:

- a directory structure comprising a plurality of hierarchically organized product classes, and attributes of the product class (see Tenorio et al., col.2 lines 26-44, and col. 11 lines 29-35; and Rajaraman et al., Fig.3B, the abstract, claims 1, 19);
- pointers for each product class, each pointer identifying a seller database, each seller database associated with each seller attributes which are name(s)/structure(s) of a field in a database record (see Tenorio et al., col.6 lines 8-25, 57-64, or col.9 lines 35-42; see also Rajaraman et al., Fig.3B, col.7 lines 43-61); and
- a search interface, and a search query for product data (see Tenorio et al., col.10 line 64 to col. 11 line 10, col. 11 lines 29-35, or col.15 lines 20-38; see also Rajaraman et al., Fig.2 ref. 207, the abstract, and col.1 lines 65 to 2:22).

It would have been obvious for one of ordinary skill in the art at the time of invention to combine Tenorio et al., and Rajaraman et al., to suggest an e-commerce concept that including structures/configuration as claimed wherein using a seller profile for searching in addition to a buyer's query, because it efficiently narrows down the search result to come up with a preferred product and seller that fit with said buyer's requirement.

B. As per independent claims 27, and 43: They contain a software having instructions embedded in a computer-readable medium containing limitations of claim 1; therefore, similar references and rationales for and obviousness rejection are applied (as in claim 1).

C. As to claims 5, and 31: - a product attribute criteria is also required. This feature is already suggested in Tenorio et al., and Rajaraman et al., Fig.6 – Priority 3 -.

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4. Claims 2, 7-10, and 28, 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tenorio et al. (US Pat. 6,708,161), in view of Rajaraman et al. (US Pat. 6,366,910), in view of Riordan et al. (US Pat. 6,078,891), and further in view of Murcko Jr. (US Pat. 6,578,014).

A. As to claims 7-9, and 33-35: Tenorio et al., and Rajaraman et al. teach a system/a computer-readable medium, containing:

- a structure comprising product classes, doing categorizing, and defining an attribute of a product categorized in the product class (see above cited columns and lines of claim 1 analysis);
- a pointer for each product class, each pointer identifying a seller database having attribute(s) (i.e., name(s)/structure(s) of a field in a database record, (see above cited columns and lines of claim 1 analysis); and
- a search interface specifying a seller/product attribute/criteria (see above cited columns and lines of claim 1 analysis);

Rajaraman et al. do not disclose that seller attribute matches a buyer profile, a search query for product data only to seller databases associated with sellers identified in the buyer profile.

However, Tenorio et al., and Riordan et al. suggest that idea; they include required criteria in a search (i.e., Tenorio et al. col.9 lines 41-45, col. 10 lines 42-45; see also Riordan et al., col.1 lines 36-49 - collecting data from preferred customers linked to a database record which stores information relating to the customer's past purchases/purchasing patterns).

Tenorio et al. already disclose that a pointer is used while searching different database.

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Rajaraman et al. do not disclose that a search query involves data of a buyer profile/preferences/habit.

However, Murcko Jr. suggests that idea (see Murcko Jr., col.22 lines 21-33).

It would have been obvious for one of ordinary skill in the art at the time of invention to combine Tenorio et al., Rajaraman et al., Riordan et al., and Murcko Jr, to suggest that a search query involves data of a buyer profile/preferences/habit, because it accurately narrows down the search results to come up with a buyer preferred product and seller that fit with said buyer's requirement.

B. As to dependent claims 2, and 28: The rationales and references for a rejection of claim 1 are incorporated.

Tenorio et al., and Rajaraman et al. teach a system of Claim 1, they do not disclose that "wherein a seller attribute is selected from the group consisting of geographic restrictions, currencies accepted, level of buyer credit required, collaboration tools accepted, types of contracts accepted, and contract terms accepted".

However, the examiner respectfully submits that above limitation is old and well-known (e.g., the business practice of Priceline.com (Walker et al.'s patents) taking into account above attributes to select a seller having above criteria: geographic restrictions, currencies accepted, level of buyer credit required, collaboration tools accepted, types of contracts accepted, and contract terms accepted).

It would have been obvious for one of ordinary skill in the art at the time of invention to combine Tenorio et al., and Rajaraman et al. to suggest of selecting attributes from geographic restrictions, currencies accepted, level of buyer credit required, collaboration tools accepted,

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types of contracts accepted, or contract terms accepted buyer's query because these choices would limit search results to come up with a preferred product and seller that fit with said buyer's requirement.

C. As to dependent claims 10, and 36: The rationales and references for a rejection of claim 7 are incorporated.

Murcko Jr. also suggest that a buyer profile comprises a list of seller attribute criteria as discussed in rationales for rejection of claim 1 above.

Rajaraman et al., Riordan et al., and Murcko Jr. do not disclose that "the search interface automatically updates the buyer profile at certain time intervals by eliminating from the buyer profile sellers no longer having seller attribute values matching the listed seller attribute criteria and adding to the buyer profile sellers having seller attribute values matching the listed seller attribute criteria".

However, Tenorio et al. already suggest about automatically update search results whenever a database is changed (updated buyer profiles with current seller attribute/criteria see Tenorio et al., col.4 lines 56-60, and col. 15 lines 32-35).

5. Claims 3-4, 6, and 29-30, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tenorio et al. (US Pat. 6,708,161), in view of Rajaraman et al. (US Pat. 6,366,910), and further in view of Murcko Jr. (US Pat. 6,578,014).

A. As to dependent claims 3-4, and 29-30:

The rationales and references for a rejection of claim 1 are incorporated.

They are directed to a system, or instructions with a selection of a product class is made automatically according to a buyer profile.

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Murcko Jr. also teaches about selection of a product class according to a buyer's preference/profile (see Murcko Jr., col.22 lines 21-33).

The examiner respectfully submits that providing an automatic means to replace a manual activity which accomplished the same result is not sufficient to distinguish over cited prior art.

It would have been obvious for one of ordinary skill in the art at the time of invention to combine Tenorio et al., Rajaraman et al., and Murcko Jr. to use a buyer profile for searching in addition to a buyer's query because it narrows down the search result to come up with a preferred product that fit with said buyer.

B. As to dependent claims 6, 32: The rationales and references for a rejection of claim 29 are incorporated.

The examiner respectfully submits that seller attribute values (i.e., a specific geographic location, "ONLY ACCEPT MASTER/VISA CARDS" etc.) can be stored in a seller database or in a public-accessed server.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the examiner where this application is assigned is 571-273-6759.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.



CUONG H. NGUYEN
Primary Examiner
Art Unit 3661